

MEMORANDUM IN SUPPORT OF
PLAINTIFF'S MOTION FOR RECONSIDERATION
ON APPLICATION FOR LEAVE TO APPEAL

INTRODUCTION

First off, I would like to state that plaintiff filed this complaint pro per and in the scheduling conference it was stated that the evidence would be submitted to the court after the discovery phase, therefore Plaintiff had not submitted the evidence and affidavits. Plaintiff stated that in the scheduling conference that she was looking for an attorney would help her without payment to amend her complaint so that it is worded properly because justice requires it. Plaintiff has retained an attorney and would like for him have a chance to amend Plaintiff's complaint to the proper rules for the Court. Because what is plain English to me is not Plain English to the Court and vice versa. Therefore justice requires that my attorney have a chance to make the proper corrections to my complaint because there is at least one page that has several paragraphs missing in error on page 12 to page 13 jumps from paragraph 58 to paragraph 65. Which is missing a very important dates and paragraphs. Information concerning PPO Termination hearing & slander/defamation by GLM to Mel Trotter Mission violating fair labor & privacy laws.

Second I would like to state that the Court relied heavily on the defendants statements probably because they do not have my exhibits and affidavits which are attached to this document; Because Plaintiff filed the complaint pro per without and an attorney and at the scheduling conference dates were set for discovery that had the plaintiff to believe that evidence and affidavits were not due until after the discovery phase was completed. Plaintiff was told to respond to everything that come to me or that the case might be thrown out. Which is why

Plaintiff responded to everything which I am now told that I wasn't supposed to respond to everything. (Improperly).

In light of the fact that Plaintiff has plenty of new evidence attached that the Court did not consider before granting Summary Judgment or without waiting at least until after the request for oral hearings that were requested by both sides. Plaintiff should have at least have been given the opportunity be notified that the Oral Hearing was denied therefore I could have submitted my evidence and made motion for my attorney to make motion for correction on page 13 in writing without waiting for the Oral Hearings that were requested on February 9th, 2009, January 8th, 2009 We could have presented more evidence if you were in a hurry for the evidence or after discovery & depositions before just hurriedly trying to dispose of my case without even considering all of the evidence of facts and before my attorney could have a chance to correctly plead my complaint in light most favorable to Plaintiff. Plaintiff has legal documents, video tapes and affidavits and is currently still collecting affidavits from new witnesses which will also prove that the defendants have misled the Courts and they consistently and actively concealed information so that they could intentionally and maliciously file false legal actions against Plaintiff without probable cause that was dismissed in favor of the plaintiff then the victim of cause; causes that the defendants initiated with an improper purpose to deprive Plaintiff and other protestor from exercising free speech from people who were giving Plaintiff witness statements for my sexual harassment/discrimination complaint that I had filed previously filed against Guiding Light Mission (GLM) District Court during the protest. Which boiled down to Witness tampering (by Gannon according to new information that I just found out from one of the protestors a few days ago Exhibit 48) retaliation and ongoing discrimination to obstruct justice that not just based on two single incidents.

FACTS

The following are the facts that should have been taken as true and viewed in the light most favorable to Plaintiff for purposes of summary judgment. On March 21, 2005 the EEOC mailed Plaintiff Right to Sue letter (Exhibit 40) follow-up from a MDCR complaint (Exhibit 21) so called investigation of sexual harassment complaint that Plaintiff filed against Guiding Light Mission in which witnesses some witnesses were available and had given me statements (Exhibit 39, 39a-h minus c) after I had made complaints of retaliation for sexual harassment complaint to Board President Richard Hertel I was further retaliated against and fired, in which Hertel failed to take proper action on handling my complaint which could have prevented these retaliatory termination plot. I had made it known to Daniels I didn't want him touching on me among other things and I voiced this complaint to other co-workers as well long before the employee write-up (GLM Exhibit A) ever came into the picture. In which I told Vanessa Daniels after the write-up that I knew that I was really wrote up because of her husband because I told him Daniel's not to hug & touch on me before the write-up and he wasn't taking no for an answer (Exhibit 38 & 34). Therefore I was fired supposedly for lack of work (Exhibit 35).

1. Plaintiff began Free speech protest on May 20th, 2005, because of my religious beliefs; I had a dream to protest because other victims would come forward that had been sexually harassed by Daniels at GLM that would be helpful to my lawsuit so I acted on it.

2. On May 20th, 2005, another victim Kim Patterson (Exhibit 39c) came forward advised me that she and another lady she knew named Shanon Pittman were also sexually harassed by Daniels.

3. Since the first week of the protest thru September 18th, 2005 The City of Grand Rapids Police Officers were constantly harassing us by intentionally interfering with our freedom

of assembly and freedom of speech rights (First Amendment) on an ongoing basis (Exhibits 26-27) by constantly threatening to want to take us to jail for being on the sidewalks with a poster board in our hands, constantly asking us for a permit which they do not issue a permit for free speech, filing malicious and false legal documents that they know were false but made misleading statements and slander to get illegal documents passed in which plaintiff was guilty of without a hearing or proper notice by the City of Grand Rapids as to what are the free speech requirements for minority citizens who want to exercise their free speech. This same treatment that they were applying to the minority protestors here in Grand Rapids they were not applying to the white citizens who walk on the sidewalk with Poster Board. I had made several complaints to The city of Grand Rapids Commissioners meeting and they did remove the no parking covers that had been placed over the meters after we had filed complaints with the Police department Internal Affairs with Sgt Vasquez who failed to take proper action to prevent retaliation or to get proper training for Gannon since it was clear that his motives were prejudiced. Since this protest started I have had to deal constant police combat dealing with over 25 encounters with Police Officers that I never had to deal with prior to the free speech legal protest to be treated like a criminal because of ongoing conspiracy with GLM See Exhibits 26-27, 43, 42-44, 46, 1, 2, 8, 11, 12, 13, 18, 19, 36,) and continual slandering and retaliation is still causing harm for myself and the other minority protestors. Plaintiff and Minority protesters have been slandered by GLM to Mel Trotter Mission and our names were given and placed on their permanent bar list.

4. There are a few incidents listed in my complaint that they have done is criminal and ongoing and they were clearly working together in which after looking at all of the evidence on the whole you will see a pattern of ongoing discrimination and these activities are only being done to minority protestors that are so illegal that they criminal actions.

5. Starting on May 20th, 2005 Guiding Light Mission began calling Grand Police in an attempt to get them to end the protest. There was never a reasonable cause for intentional police interference after initial inquiry. Therefore after May 20th, 2005 any calls that Guiding Light Mission made to The City of Grand Rapids Police were frivolous. At some point approximately after June 4th, 2005 GLM calls must have turned slanderous given that The City of Grand Rapids Police Department officers felt that they need to try stop our free speech protest (which they eventually did) as oppose to continue to tell Guiding Light Mission that we (minorities) can be on the sidewalks as same as the white citizens from SpeakOut TV who protest near the front door of the Grand Rapids Police Station at Monroe Plaza. applying statute of limitations to June 9th, 2005 date only rather than looking at the whole conspiracy by Guiding Light Mission and the City of Grand Rapids/Police Department in its entirety to intentionally interfere with Plaintiff's Constitutional Rights during the protest at Guiding Light Mission.

6. The Protest started on May 20th, 2005 and so did GLM & The City of Grand Rapids Police intentional interference attempting to shut down protest and jail plaintiff and other protestors for speaking up against injustices at the GLM (as well as plaintiff's right to question witnesses that would be able to testify in court case that Plaintiff had filed against GLM in 2005.) all the way through This obstruction of justice and this action; based only on the Monroe case based on a single action rather than ongoing concerted actions without oral hearing that was requested and not based on all of the relevant evidence which the Ticket and the Stalking PPO were maliciously filed fraudulently concealing the truth that they were illegally obstruction justice and witness tampering in addition to deprivation of Constitutional Rights & Discrimination, the false charges that the defendants initiated required legal proceeding to rescind in a court hearing; because these documents were presented to plaintiff as in good faith

they were actually illegal and there was no disclaimer or notice on these documents when they were presented to me telling me that they were not legal and that our constitutional rights in regards to the threats of being arrested, jailed, imprisoned and fined would not be acted on by defendants if the PPO was illegally filed ulterior motives letting me know what my rights were without coming to court on the hearing dates that the courthouse designated. Plaintiff immediately took quickest steps to get to the bottom of getting charges reversed. if that would not be effected if I ignored the documents; which is the basis for the these documents being filed willfully and knowingly filed for ulterior motives which amounted to Obstruction of Justice and Witness tampering which is grounds for equitable estoppel if the elements are met Plaintiff is entitled to this right. (see exhibits).

7. On June 8th, 2005, Kim P. (minority protestor) and I made complaints with GRPD internal affairs SGT. Deb Vasquez against GRPD Officers Gannon (Mainly) and his john doe partner for harassment & discrimination. (Deb Vasquez failed to take proper action that could have prevented ongoing discrimination and deprivation of our civil rights.) June 9th, 2005 Gannon returns to GLM and after conspiring with GLM Staff Teachout (Exhibit 27) he then began threatening and harassing me with the threat of him trying to find reasons to detain and harass me looking for reasons to retaliate against me for exercising my Constitutional Rights & retaliation. He then intentionally issued me a malicious parking meter ticket after 530pm when you do not have to plug the meter at 5pm he also told me that I can not park my truck there at the meter in front of Guiding light because of the free speech signs tape on it. Misusing his position as a police officer to intentionally falsely and maliciously writing 5pm on the ticket. (Exhibit 13) This is also on video tape (See Exhibit 27) Gannon states several times that he has me on video tape being there at 5pm. Which I filed an appeal the next day and went to court on Aug 25,

2005. Gannon did not produce this tape that he claims to have of plaintiff being there at 5pm on June 9th, 2005. Ticket was dismissed in Plaintiff's favor. (Exhibit 13) Gannon did not need to detain me against my will to write me a legitimate parking meter ticket. (See Exhibit 27).

8. Approximately on June 10th, 2005 Kim and I returned to GRPD Internal Affairs and filed two more complaints with Sgt Wayne Moore and we asked if we could file a restraining order on Gannon to prevent him get him to leave us alone and we were told that we could not file a restraining order on Gannon to stop him from bothering because he was doing police work. He also advised that Sgt Vasquez is in charge of our complaints and they would be handled by her. Then after filing these 4 complaints with the Internal Affairs the meters in front of Guiding Light Mission were covered up with the orange no parking covers. (Sparking us to go the City Hall meeting and address the harassment, discrimination and retaliation being done by Guiding Mission and The Grand Rapids Police Dept. After complaining to the City Commissions and the Mayor before the public then meters were uncovered but the harassment continue.) Defendant Officer Gannon then further retaliated by urging Daniels to file PPO Stalking Order against Plaintiff after Plaintiff and Protestor K. Patterson tried to get restraining orders against him through Sgt Wayne Moore.).

9. The Grand Rapids Police Officers began pulling us over at different locations around downtown even away from the sidewalks in front of GLM for unnecessary traffic stops.

Then on June 21st we (minority protestors) were told that we had to end our protest because GLM had filed a (Stalking) PPO against Plaintiff that was granted to him on a stack defamation/slandorous lies that he told about plaintiff to paint plaintiff in a light so bad to the degree that it cause State of Michigan to issue him a PPO even though he did not meet the requirements for the PPO and since the 3 reasons that he stated in his affidavit for requesting

PPO were illegal and violated Federal & State of Michigan Constitutional rights (Amendment 1, 4, 14th) and the events that he checked as threatened or occurred were all falsely checked constituting fraudulent concealment and malicious intent plus he states in his affidavit that GRPD Officer Gannon advised him to file illegal ppo stop civil rights protest; GLM Daniels had an ulterior motive to stop Civil Right Protest based on sexual harassment against him, because other victims and witnesses that could come forward would be able to give testimony or statements in my lawsuit against them for sexual harassment, discrimination and retaliation. Which also Daniel's made many false slanderous/defamatory statements.

10. Plaintiff can prove were intentional malicious lies that Daniels published to conceal fact that he did not have cause for PPO to cause harm to plaintiff and other minority protestors which is the approximate cause that led to the deprivation of our civil rights while the PPO was in place on a [daily] ongoing basis and not a 1 time – 1 day event such as an accident but for 25 consecutive dates June 21, 2005, June 22, 2005, June 23rd, 2005 etc. Continuously; From June 21, 2005 to July 15th, 2005, which by its own policy was issued effective for six months on a continuous daily basis. So everyday during this PPO we were not allowed to protest because Grand Rapids Police stated that we would be arrested and jailed (hindering & opposing) as well as the PPO stating that if we violated the PPO that we would be fined, jailed and imprisoned if we went back out there to protest. On July 12th, 2005 a hearing was held in which it was proven made known that Daniels did not have probable cause for Stalking PPO. There was not one thing of truth for a PPO requirement to justify to keep the PPO on any ground and the PPO was terminated in plaintiff's favor. Judge McNabb advises that we could go back out there after we received the Termination Papers in the mail. Plaintiff can prove that the 3 reasons that he request the stalking personal protection order were illegal through various Exhibits 1, 14, 11,

47, 33, 39). Plaintiff can also prove that Defendant Daniels intentionally and maliciously slandered and lied in order to obtain PPO for ulterior motive than that he was in hiding for fear of being stalked. (Exhibits 27, 26, 42a 33, 34, 35, 38, 39, 40, 43, 44, 45, 47).

11. Plaintiff did not receive any information to know my rights under the condition of the documents filed until the court hearings where these false charges were later terminated in Plaintiffs favor because they undermined what was actually stated at the time they were both issued by the Grand Rapids Police Department among other illegal discrimination harassment actions directed to Plaintiff and minority protesters because Plaintiff and protestors were involved with an official Complaint proceeding (Exhibit 33) with the District Court #1:05 CV0422 {Wendell Miles Sr. U.S. District Judge}) from follow-up from the Right to Sue letter from EEOC (Exhibit 40) which was a follow-up from complaint filed with MDCR (Exhibit 21).

12. After PPO was terminated and Termination papers received Plaintiff and Protestors continued to be harassed by Grand Rapids Police Department with constant intentionally interfering with Plaintiff's Constitutional rights the same as white citizens enjoy. (exhibit 42, Exhibit 42a) The Grand Rapids police continued to threaten us (Minority Protestors with arrest and jailed. We have to a court hearing on the sidewalks with the Grand Rapids Police to justify why we should have free speech rights which unnecessarily detains us from actively doing our protesting that we should have every right to do. Because this intentional police interference did not stop and continued harassment; protestors and witnesses were being threatened with arrested and barred from homeless shelters, preventing witnesses from coming forward who could give statements in sexual harassment complaint which Plaintiff was pursuing which is why the protest was started, Obstructing Justice and tampering with my witnesses. Plaintiff had to shut down protest until more helpers came the next year because homeless people

had been threatened with been barred if they spoke to us. (See Exhibits 26) which is witness tampering and obstructing justice.

13. Also Guiding Light Mission is continuing to maliciously defame and slander plaintiff by publishing flyers (Exhibits GLM #F) (exhibit 1) that the Guiding Light Mission staff began passing out on the sidewalk in front of Guiding Light which is the exact statement that Daniels gave for PPO Affidavit like it was copied and pasted from PPO Affidavit. Which Plaintiff's exhibits (Exhibits 27, 26, 42a 33, 34, 35, 38, 39, 40, 43, 44, 45, 47,) will also prove that this is slander and defamation. GLM also slandered Plaintiff and Protestors Kim Patterson & Jessie Rideout to Mel Trotter Mission and we were told that we were permanently barred from Mel Trotter Mission in August 2005. (Exhibits 44, 45) which violates fair labor laws some information that they were publishing from my personnel file contained in their flyers are violation of Fair Labor Standard Acts also they falsely state attorney/client privileged information as matter of fact that would be confidential to embarrass Plaintiff concerning employment relationship. So there are still incidents that are going after July 12/14th, 2005 that violate are constitutional rights and not just based solely on the ticket and the personal protection order. The actions were ongoing and continual with the goal to shut down the protest. Even all the police stops after July 14, 2005 with GRPD still were threatening to take us to jail for being on the side walks. They were all working together. Harm is still being done to Plaintiff and other minority protesters and Plaintiff has a right for a jury to hear my complaint.

ARGUMENT

Equitable estoppel, is the principle by which a party knows or should know the truth is absolutely precluded, both at law and in equity, from denying, or asserting the contrary of, any material fact which, by his words or conduct, affirmative or negative, intentionally or through

culpable negligence, he has induced another, who was excusably ignorant of the true facts and who had a right to rely upon such words or conduct, to believe and act upon them thereby, as a consequence reasonably to be anticipated, changing his position such a way that he would suffer injury if such denial or contrary assertion was allowed. 28 Am Jur 2d Estoppel and Waiver # 28? Equitable estoppel is based on the idea that one who has made certain representations should not thereafter be permitted to change his position to the prejudice of on who has relied thereon.

Which elements of equitable estoppel consist of the following?

(1) the party against whom the doctrine is asserted misrepresented or concealed material facts;

(2) the party to whom the representation was made lacked knowledge of the true facts;

(3) the party who made the representation or concealed material facts intended the other party to act on the basis of the misrepresentation; and

(4) Detrimental reliance thereon.

Also malicious prosecution based on four elements that toll the statute of limitations on actions:

(1) that the original case was terminated in favor of the plaintiff;

(2) that the defendant played an active role in the original case;

(3) that the defendant did not have probable cause or reasonable grounds to support the original case; and

(4) That the defendant initiated or continued the initial case with an improper purpose.

((Exhibits 1-4, 6, 7, 8, 12, 18, 19, 22, 27, 26, 42a 33-47,)).

At the time the ticket was issued to Plaintiff, Officer Gannon kept stating (Exhibit 27) that he has video tape footage of Ms. Phifer being at the meter on June 9th, 2005 at 5pm. In which he was misrepresenting the facts to form a basis to justify why he gave me the ticket which is not the real reason. On August 25th, 2005 at court hearing Gannon did not produce the tape to the court. If Gannon felt that he was issuing ticket in good faith, then he should have show his tape of his evidence that he claim he had to give me a ticket.

(See Exhibits 27 & 43) Therefore this case was dismissed in my favor; evidencing that Gannon was lying and did not have any reasonable grounds to support him giving me a ticket after filing complaints against. Which gave proved that Plaintiff's free speech and freedom of assembly rights were intentionally interfered with for the sake of retaliation and harassment along with the other continual police traffic stops that were unnecessary. Plaintiff had to deal with the Grand Rapids Police at least twenty to thirty times after protest started and none before the protest.

On June 21st, 2005 Grand Rapids Police issued Plaintiff stalking PPO to end the protest that they misrepresented to the Plaintiff as if it were legal for them to issue PPO to the Plaintiff and that the Plaintiff was required to abide by it or that she and the other protestors would be arrested, jailed, imprisoned and fined if they went back out there on the sidewalks protest GLM because Daniels who had initiated legal process by slandering my religious beliefs to paint me in a bad light, He also lied about some of the circumstances regarding my employment complaints and he had lied about events that were threatened or that occurred which required at least two or more to get ppo. At hearing on July 12th, 2005, where he, Mrs. Daniels, Grand Rapids Police Officer Gannon and 1 John Doe Police Officer came there to the hearing. Daniels asked the Judge to allow The Grand Rapids Finest (Gannon & John Doe) to testify but she didn't let them

testify. They were there together to speak against Plaintiff on July 12, 2005. During hearing Judge ruled that according to Daniels own testimony that there were no reasonable grounds for the Stalking PPO, Not one of the threats that he checked had been threatened or occurred by Plaintiff. Plaintiff can also prove through the exhibits that information that Daniels gave in his affidavit was supplied knowingly and willing supplied with ulterior motive and was done with malicious intent. When Plaintiff was fired Plaintiff was told that she was let go for lack of work (Exhibit 35). However during protest plaintiff learned through PPO and GLM publicized flyer that their employees were passing out in side their front door that Plaintiff was fired for having Dream Interpretation Ministry at her residence with the GLM Male Clients. (Exhibits 1 & GLM Exhibit F) see (Exhibits 47).

Daniels also stated that no other employees witnessed sexual harassment by him (Exhibits 1 & GLM Exhibit F) see (exhibits 27, 39, 38, 43) which also violates fair labor laws. Daniels also falsely stated that Plaintiff sexual harassment complaint did not come forward until after write. (Exhibit 1 & GLM Exhibit F) (See exhibit 38, 39). Daniels also stated that Officer Gannon is still actively working GLM to retaliate against Plaintiff after parking meter ticket on June 9th, 2005 to still further harm based on groundless lies to conceal the facts that they did not want us getting witness statements which I was just told by Darcy that two Grand Rapids Police Officers had tried to intimidate her to stop her from helping Kim and I with the protest to get witness statements she said that he had followed her and pulled her over was asking her personal questions about me, one day when she left the protest which is why she stopped helping with the protest due to the police harassment. (NEW EVIDENCE which is also witness tampering in addition retaliation and discrimination. SEE EXHIBIT 44). Since none of the boxes that he checked applied to him and were all falsely check the PPO therefore this case was dismissed in

my favor; evidencing that Daniels was lying and did not have any reasonable grounds to support him having a stalking PPO issued in Plaintiff's name for the purpose to stop the protest by myself and the other protesters who's rights were also being infringed by illegal PPO in place on a daily bases. Which gave proved that Plaintiff's free speech and freedom of assembly rights were intentionally interfered with for the sake of retaliation and harassment along with the other continual & ongoing police & GLM harassment tactics that could have been prevented had Richard Hertel, Deb Vasquez & The City Of Grand Rapids Commissioners had properly handled plaintiffs complaints and They could have gotten more immediate training for their employees and agents. Therefore our rights were deprived based on actions directly resulted from GLM, Daniels & Gannon's plan for PPO to stop protest which was verified at PPO hearing (Exhibit 1 & 11). There are many more lies that I could point out here; but I believe that I have stated enough to show that I can prove that my rights were violated as a result of the defendants initiating malicious legal processes to conceal the true reason in attempting to shut down protest was their mutual goal which they achieved by abusing the legal processes by filing false claims against plaintiff.

All of which is the basis for the PPO and the parking meter ticket which were terminated in favor of the Plaintiff's, (2) the defendants who initiated the original malicious legal process had no legal or factual foundation to support case, even though they claim falsely that they did, misrepresenting the true reasons for their willfully and knowingly filed the false documents for ulterior motives and not on legal factual information that was required the legal process that they initiated because Plaintiff had filed a Sexual Harassment & Discrimination Complaint against original defendants Guiding Light Mission & Danny Chico Daniels; however it is public

knowledge that the City of Grand Rapids Police Department were being sued by their female employees for sexual harassment as well.

(See exhibits 1-4, 6, 7, 8, 12, 21, 22, 26-27 33-45 & 47) Castellano v. Fragozo, l&H Airco, Inc v. Rapistan Cop 446 N.W. 2d 372, 380; Ord v. AmFirst Inv. Serv 704 N.W. 2d 796 , 805; Jackson Law office v. Chappell, 37 S. W. 3d 15, 22, Terrell v. Childers 920 f. Supp. 854, 861; Hunter 269 Ga. At 848, Ryan v. Gifford 918 A 2d 341, 360, Tyson Foods. Plaintiff's case has all the elements for equitable estoppels & malicious prosecution which is the basis of the PPO & the ticket and because the Defendants thus the defendants are not entitled to rely on the statute of limitations anyway based on their fraud which Plaintiff can prove.

Conspiracy is a secret agreement between two or more people to perform unlawful acts. A plot to carry out some harmful or illegal act. A group of conspirators banded together to achieve some harmful or illegal purpose and if a person helps another person launch a baseless case or takes action to direct or aid such a case, the first person may be held liable also. I had no choice but to receive the ticket and the personal protection order because they both were issued us by the Grand Rapids Police Dept. with aides of GLM Delbert Teachout (Exhibit 27) & GLM Danny Chico Daniels. (Exhibit 1) which is active concealment even though I didn't think I was being treated fairly as the white citizens, because they are police officers we had to abide by the harm of their abuse of the legal process or go to jail or prison which we did not want to do and this placed us at an unfair disadvantage against the City of Grand Rapids Police and created an unfair balance as to know what we were suppose to do until the hearings were scheduled which is required for the original cases to be terminated in Plaintiff's favor before the claim can began to accrue. If they have destroy their evidence such as the video tape that Gannon is claiming to have twice on Exhibit 27 that would prove me wrong or prove that they have destroyed evidence

to obstruct justice in order to get me off the sidewalks to get witnesses. Other evidence that the defendants may also have destroyed would be GLM video tapes show plaintiff on ticket date, or any date that prove Daniels had a reason to believe that Plaintiff threatened or committed acts of violence against him. Also Statements from Men coming to plaintiff's residence after hours for their dream interpretations after hours, A statement from Plaintiff's former attorney advising GLM that he disclosed Attorney/client information to them regarding that he refused my case because he didn't believe the sexual harassment if this was done for the purpose of malicious defamation & slander. There are affidavits here in regards to show that there was sexual harassment going from Danny Chico Daniels to myself and other women (Exhibit 39) so that's another lie Daniels to slander Plaintiff to get PPO as well as to Mel Trotter. Also keeping silent when you have been made aware that there is wrong being committed and when a person could have prevented further actions such as Deb Vasquez, Richard Hertel & the City of Grand Rapids (commissioners).

Plaintiff had filed complaints against Daniels, GLM, Gannon & John doe & GRPD to the city commissioners for continual ongoing involvement they had criminal intent with the false documents that they knowingly filed were false and then covering up the meters after we filed complaints with the GRPD Internal Affairs, obstructing justice and also discouraging and stopping some witnesses from speaking up who could have testified in complaint that was filed in District court; (exhibit 33).

((Exhibits 1-4, 6, 7, 8, 12, 18, 19, 22, 27, 26, 42a 33-47,).

The homeless people are scared now to be my witnesses or give testimony because of the actions of the GLM and the City of Grand Rapids Police Department as stated on the video tapes and in some of their affidavits and is very evident on video with my family helping with the

protest. It is very clear that the homeless minorities here they have been silenced. (Deprivation is still continual and going on). Due to stress Plaintiff and Minorities have been silent but not anymore. Dealing with the police threats and fighting false legal charges has been very stressful and so for the sake of justice we request to be heard by a jury of our peers.

CONCLUSION

For at least the reasons set forth above, Ms Phifer respectfully requests that this Court GRANT Plaintiff's Motion for Reconsideration or, in the alternative, that this Court issue a clarifying Order that relieves Ms. Phifer & Minority Protestors to be subjected to discrimination, retaliation and deprivation of constitutional rights to the same enjoyment as the white citizens from the hands of the defendants and to fully restore our rights to end the continued discrimination retaliation from being barred from the homeless shelter for any citizen who wishes to exercise their constitutional rights to speak up about injustice and witness tampering. (whistleblowers).

Exhibits some are on file already.

Dated July 7, 2009

Respectfully submitted,

/s/ Kevin R. Floyd
Kevin R. Floyd (P43583)
Attorney for Plaintiff
3737 Lake Eastbrook Blvd SE, Suite 201
Grand Rapids, MI 49546
(616) 235- 0100

Cheryl Phifer
Plaintiff